

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

March 10, 2000

C029452 THE PEOPLE v. BROWN (Not for Publication)
The conviction for assault on a peace officer is reversed for insufficiency of the evidence. The trial court is directed to prepare and forward to the Department of Corrections a new abstract of judgment.
MORRISON, J.
I concur: Raye, J.
I respectfully dissent:
Callahan, J.

March 10, 2000 continued

C028033 THE PEOPLE v. SPENCE (Certified for Publication)
The judgment is reversed.
MORRISON, J.
We concur: Davis, Acting P.J.
Nicholson, J.

March 13, 2000

C030055 THE PEOPLE v. GARCIA
Appellant's petition for rehearing is denied.
DAVIS, Acting P.J.

C030404 THE PEOPLE v. RUBALCAVA (Not for Publication)
The sentence for false imprisonment (counts II, III, IV, V) and receiving stolen property (count VII) are stayed pending service of the balance of defendant's sentence, the stay to become permanent upon completion of the 8-year, four month term. As modified, the judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment and to forward a copy to the Department of Corrections.
DAVIS, J.
We concur: Scotland, P.J.
Hull, J.

C028930 THE PEOPLE v. LaPLANTE, JR. (Not for Publication)

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The judgment is affirmed.

SIMS, J.

We concur: Blease, Acting P.J.

Hull, J.

C032698

THE PEOPLE v. VIEBIG

(Not for Publication)

The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment (1) deleting count X and its accompanying enhancements, (2) correctly identifying count III as aggravated mayhem (§ 205), (3) including the two section 667, subdivision (a) enhancements which totaled 10 years, and (4) showing count VIII was stayed pursuant to section 667.61. The trial court further is directed to forward a certified copy of the corrected abstract to the Department of Corrections.

SCOTLAND, P.J.

We concur: Sims, J.

Nicholson, J.

March 14, 2000

C031955

THE PEOPLE v. DOMINGUEZ

(Not for Publication)

The judgment is affirmed.

KOLKEY, J.

We concur: Nicholson, Acting P.J.

Callahan, J.

C032048

In re Michael S.; THE PEOPLE v. MICHAEL S.

(Not for Publication)

The judgment is affirmed.

KOLKEY, J.

We concur: Sims, Acting P.J.

Morrison, J.

C032999

THE PEOPLE v. LEFLET

(Not for Publication)

The judgment is modified to reflect the imposition of a \$10 state penalty assessment and a \$7 county penalty assessment upon the \$10 crime prevention fine. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections. As modified, the judgment is affirmed.

KOLKEY, J.

We concur: Raye, Acting P.J.

Morrison, J.

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C030482 COUNTY OF YUBA v. SAVEDRA (Certified for Publication)

It is ordered that the opinion filed herein on February 16, 2000, be modified as follows:

...

There is no change in judgment.

The opinion in the above-entitled matter filed on February 16, 2000, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.

BLEASE, Acting P.J.
Callahan, J.
Kolkey, J.

C030021 WEMER, etc., et al. v. COLE et al. (Not for Publication)

The judgment is reversed. The plaintiffs are awarded their costs on appeal.

DAVIS, Acting P.J.
We concur: Nicholson, J.
Hull, J.

March 14, 2000 continued

**C033635 In re MATHEW C. et al.; SACRAMENTO COUNTY DEPARTMENT OF
HEALTH AND HUMAN SERVICES v. DEBRA W. (Not for Publication)**

The appeal is dismissed.

SCOTLAND, P.J.
We concur: Davis, J.
Morrison, J.

**C033774 In re BRITTANY T.; DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. DONALD T. (Not for Publication)**

The order of the juvenile court terminating the parental rights of appellant is affirmed.

NICHOLSON, Acting P.J.
We concur: Hull, J.
Kolkey, J.

C029962 THE PEOPLE v. MARQUEZ (Certified for Partial Publication)

The judgment as to the robbery charged in count 2 is reversed. In all other respects, the judgment is affirmed. The trial court is directed to

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prepare a new abstract of judgment and to forward a copy to the Department of Corrections.

DAVIS, J.

We concur: Sims, Acting P.J.

Raye, J.

March 15, 2000

C028001

THE PEOPLE v. GARCIA

(Not for Publication)

The enhancement pursuant to section 667, subdivision (a), and the term of five years imposed for that enhancement are stricken. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting this modification and to forward a copy of the amended abstract to the Department of Corrections.

SCOTLAND, P.J.

We concur: Sims, J.

Callahan, J.

March 15, 2000 continued

C032671

THE PEOPLE v. BEARD

(Not for Publication)

As there was substantial evidence supporting the jury's verdict, the judgment of the trial court is affirmed.

RAYE, Acting P.J.

We concur: Morrison, J.

Kolkey, J.

C031029

THE PEOPLE v. BESSEY

(Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We concur: Morrison, J.

Kolkey, J.

C033277

THE PEOPLE v. ANDERSON

(Not for Publication)

The judgment is affirmed.

SIMS, Acting P.J.

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We concur: Raye, J.
Callahan, J.

C033614 THE PEOPLE v. REED (Not for Publication)

The judgment is affirmed.
SCOTLAND, P.J.
We concur: Morrison, J.
Kolkey, J.

C032543 THE PEOPLE v. PEARSON (Not for Publication)

The judgment is affirmed.
SIMS, Acting P.J.
We concur: Raye, J.
Callahan, J.

C033084 THE PEOPLE v. MUIR (Not for Publication)

The judgment is affirmed.
SIMS, Acting P.J.
We concur: Raye, J.
Callahan, J.

C033102 THE PEOPLE v. MIX (Not for Publication)

The judgment is affirmed.
SIMS, Acting P.J.
We concur: Raye, J.
Callahan, J.

March 15, 2000 continued

C032023 THE PEOPLE v. BERKELEY, JR. (Not for Publication)

The parole fine of \$600 (δ 1202.45) is stricken. As modified, the judgment (order of probation) is affirmed.
SIMS, Acting P.J.
We concur: Nicholson, J.
Kolkey, J.

C031972 THE PEOPLE v. MacLEAN (Not for Publication)

The judgment is modified by striking certain findings of the trial court as stated hereinabove. None of the modifications change defendant's aggregate sentence of 35-years-to-life. As modified, the judgment is affirmed.
SIMS, Acting P.J.

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We concur: Scotland, P.J.
Nicholson, J.

March 16, 2000

THERE WERE NO MINUTES ON THIS DATE.

March 17, 2000

C034225 In re MARCELINA D.; HUMAN SERVICE AGENCY v. GILBERT D.
(Not for Publication)
The order of the juvenile court terminating appellant's parental rights is affirmed.
RAYE, J.
We concur: Sims, Acting P.J.
Callahan, J.

C031432 THE PEOPLE v. CHILDS (Not for Publication)
The judgment is affirmed.
CALLAHAN, J.
I concur: Raye, J.
I concur in the result:
Davis, Acting P.J.

March 17, 2000 continued

C029650 THE PEOPLE v. GALINDO (Not for Publication)
The \$4,000 parole fine imposed pursuant to section is stricken. As modified, the judgment is affirmed.
DAVIS, J.
We concur: Sims, Acting P.J.
Callahan, J.

C024654 THE PEOPLE v. MCCOY et al. (Certified for Partial for Publication)
The convictions of defendants Ejaan McCoy and Derrick Lakey on counts 1, 2, and 4 are reversed unless the People accept a reduction of

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the convictions as follows: on count 1, voluntary manslaughter; on count 2, attempted voluntary manslaughter; and on count 4, attempted voluntary manslaughter.

If, after the filing of the remittitur in the trial court, the People do not bring McCoy or Lakey to retrial on the reversed murder and attempted murder charges within the time limit set forth in section 1382, subdivision (a) (2) - 60 days unless waived by the defendant -- or if the People elect, in a writing filed in the trial court, not to retry defendants, or either of them, the trial court shall proceed as if the remittitur constituted a modification of the judgment to reflect the foregoing convictions of McCoy or Lakey for voluntary manslaughter and attempted voluntary manslaughter and shall promptly resentence them, or either of them, accordingly.

As to defendant McCoy, the trial court is ordered to amended the abstract of judgment to include the section 12022.7 enhancement and to forward a corrected copy to the Department of Corrections.

In all other respects, the judgment as to each defendant is affirmed.

SIMS, Acting P.J.

I concur: Raye, J.

I concur in the opinion and judgment of the majority except for part II, as to which I dissent.

Hull, J.

C031686

NELSON v. THE DENTISTS INSURANCE COMPANY

(Not for Publication)

The judgment is affirmed.

CALLAHAN, J.

We concur: Nicholson, Acting P.J.

Morrison, J.